

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

ROLLY O. KINNELL,

Plaintiff,

v.

CASE NO. 02-3228-SAC

USA, et al.,

Defendants.

O R D E R

This civil complaint was dismissed pursuant to 28 U.S.C. 1915A(b) by Order dated August 21, 2002. Plaintiff filed numerous frivolous post-judgment motions which were denied, and filing restrictions were imposed upon by Orders entered on October 12, 2005 and February 15, 2006. He appealed and his appeal was dismissed for lack of prosecution after he was denied leave to proceed in forma pauperis on appeal.

The matter is now before the court upon plaintiff's "Motion for Leave of Court to File Relief from Judgment" (Doc. 21), and Motion for Leave to File Consolidation with Case Number 00-3235 (Doc. 22). The court finds Mr. Kinnell's motions do not conform with the filing restrictions imposed in this case, which included the requirement that he refer to the filing restrictions in the court's prior orders. The court concludes his pending motions for leave to file should be denied. Mr. Kinnell is also a three-strikes litigant, and has not received authorization from the Tenth

Circuit Court of Appeals to present second or successive habeas corpus claims. In addition, he has filed numerous frivolous and abusive pleadings in other cases as well.

The court further notes that Mr. Kinnell does not allege any valid grounds for post-judgment relief. His claims that the undersigned judge is biased are not raised in a properly supported motion to recuse, and rulings against plaintiff do not constitute grounds for such a motion. In short, the pleadings he seeks to file are precisely the types of pleadings which compelled this court to impose filing restrictions upon him. For the foregoing reasons, the court denies Mr. Kinnell's motions for leave to file pleadings.

IT IS THEREFORE ORDERED that plaintiff's motions for leave to file pleadings herein (Docs. 21 and 22) are denied.

IT IS SO ORDERED.

Dated this 6th day of February, 2008, at Topeka, Kansas.

s/Sam A. Crow
U. S. Senior District Judge